

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK X

MICHELE SAVOCA,

Plaintiff,

07-CV-11411 (DC)

-against-

STIPULATION AND ORDER FOR:

PROMETHEUS LABORATORIES INC. and
RON ROCCA

1. STAY PENDING BINDING
ARBITRATION; AND
2. DISMISSAL OF DEFENDANT
ROCCA

Defendants.

X

COME NOW THE PARTIES, by and through their respective attorneys, and stipulate as follows:

WHEREAS, Plaintiff Michele Savoca ("Plaintiff") has alleged claims arising from her employment by Defendant Prometheus Laboratories Inc. ("PLI") and the termination of that employment against PLI and Defendant Ron Rocca ("Rocca");

WHEREAS, Plaintiff and PLI are parties to a written agreement to arbitrate specifying that Plaintiff shall submit to binding arbitration any and all claims arising from or related to her employment;

WHEREAS, Defendants were served on April 16, 2008; and

WHEREAS, Plaintiff has agreed to dismiss Defendant Rocca with prejudice;

NOW, THEREFORE, the parties hereby stipulate as follows:

1. This action shall be stayed pending the completion of final and binding arbitration before a neutral arbitrator in Manhattan at an appropriate office of the American Arbitration Association pursuant to the terms of the written arbitration agreement between PLI and Plaintiff; *provided, however*, that attorneys from the San Diego Office of Cooley Godward Kronish, LLP, counsel for PLI, shall be permitted to file with the Court an Application for Pro Hac Vice Admission for purposes of representing PLI in this matter;

2. Defendants shall not be required to file an answer or responsive pleading under F.R.C.P. 12.

3. Plaintiff's claims against Defendant Rocca shall be dismissed with prejudice without costs to any party.

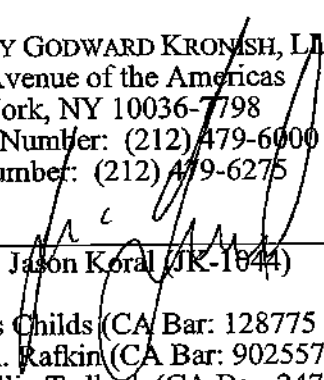
4. Defendants waive any defects in service.

5. Defendants agree to pay the costs incurred of the previous service of process.

Date: _____

Respectfully submitted,

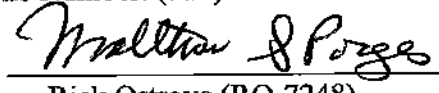
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By:  _____
Jason Koral (JK-1044)

Dennis Childs (CA Bar: 128775 - Pending Admission Pro Hac Vice)
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K. Phillip Tadlock (CA Bar: 247079 - Pending Admission Pro Hac Vice)

Attorneys for Defendants Prometheus Laboratories Inc. and Ron Rocca

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By:  _____
Rick Ostrove (RO-7248)
Matthew S. Porges (MP-5826)

Attorneys for Plaintiff Michele Savoca

ORDER

IT IS SO ORDERED.

Date: _____

DENNY CHIN
United States District Judge